

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Sophia Eggleston,)	
an individual,)	
)	
Plaintiff,)	
v.)	Case No: 2:21-cv-11171
)	
Lee Daniels,)	
an individual,)	Hon.
Danny Strong,)	
an individual,)	
Malcom Spellman,)	
an individual,)	
Rita Grant Miller,)	
an individual,)	
Twentieth Century Fox Film Corporation)	
a Delaware corporation,)	
Fox Broadcasting Company, LLC,)	
a Delaware corporation,)	
John/Jane Does 1 through 10,)	
Defendants.)	
)	

COMPLAINT AND JURY DEMAND

NATURE OF THIS ACTION

1. The defendants violated, and continue to violate, Ms. Eggleston's copyright of her book *The Hidden Hand*. Ms. Eggleston registered the book with the copyright office on or about November 6, 2009, and the book received a copyright registration number—Txu001656974. 17 U.S.C. 101 *et seq.*

PARTIES

2. Plaintiff Ms. Sophia Eggleston is an individual residing in Oakland County, Michigan.

3. Defendant Lee Daniels is an individual residing in New Jersey.

4. Defendant Danny Strong is an individual residing in California.

5. Defendant Malcolm Spellman is an individual residing in California.

6. Defendant Rita Grant Miller is an individual residing in California.

7. Twentieth Century Fox Film Corporation (20th Century Fox) is a Delaware corporation with its principal place of business at 10201 West Pico Boulevard, Los Angeles, California 90017. The registered agent for 20th Century Fox is Corporation Service Company, which does business in California as CSC-Lawyers, 2091 E. Grant Line Road, Tracy, California 95376.

8. Fox Broadcasting Company, LLC is a Delaware corporation with its principal place of business at 1211 Avenue of the Americas, New York City, New York 10036. The registered agent for Fox Broadcasting is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

9. Several persons, the identities are unknown to Ms. Eggleston, also facilitated, cooperated, assisted, or otherwise furthered the defendants' efforts that give rise to these causes of actions. These defendants are designated as John/Jane Does 1 through 10.

10. All of the defendants facilitated, cooperated, assisted, and participated with one another, in various groupings, at various times, to produce *Empire*.

SUBJECT MATTER JURISDICTION

11. The Court has jurisdiction based 28 USC 1331 (actions arising under the laws of the United States).

PERSONAL JURISDICTION AND VENUE

12. The defendants' infringement targets and causes injury to Ms. Eggleston in the Eastern District of Michigan by, among other things, broadcasting and re-broadcasting the television show *Empire*.

13. The corporate defendants are present in the Eastern District of Michigan by broadcasting, showing, and selling advertising to *Empire*.

14. Defendants Miller, Daniels, Strong, and Spellman are present in the Eastern District of Michigan, in that they helped write, create, develop, produce, and/or otherwise make the television show *Empire*; the television show is broadcasted and rebroadcasted to television stations and cable systems in the Eastern District of Michigan, and the show is infringing Ms. Eggleston's copyright, repeatedly and continuously, in the Eastern District of Michigan.

15. Moreover, the individual defendants previously agreed not to contest personal jurisdiction if Ms. Eggleston withdrew her discovery requests relating to the issue of personal jurisdiction.

16. Venue is proper because a substantial part of the events giving rise to this lawsuit occurred in this district.

GENERAL ALLEGATIONS

17. *The Hidden Hand* is Ms. Eggleston's autobiography, detailing her life of crime, imprisonment, and her attempt at redemption.
18. In early 2011, Rick Appling, a movie producer, arranged for Ms. Eggleston to meet Rita Grant Miller, who has served in various production roles, including Production Coordinator, Production Manager, and Unit Production Manager, for several movies.
19. During the meeting in early 2011, Appling, Miller, and Ms. Eggleston discussed converting Ms. Eggleston's copyrighted work, *The Hidden Hand*, into a script.
20. Ms. Eggleston gave Miller a copy of *The Hidden Hand*.
21. Miller interviewed Ms. Eggleston at length about her background and took copious notes.
22. Miller told Ms. Eggleston and Appling that she would convert *The Hidden Hand*, and interview notes, into a screenplay.
23. Miller told Ms. Eggleston and Appling that she would pitch *The Hidden Hand* to Lee Daniels, a producer, and director of multiple critically acclaimed movies, such as *The Butler*, *Precious*, and *Monster's Ball* (starring Halle Berry).
24. Miller showed Ms. Eggleston *The Butler* to familiarize Ms. Eggleston with Daniels' work.
25. Miller created a derivative work of *The Hidden Hand*, specifically a script or treatment.
26. Miller subsequently called Ms. Eggleston and told her that Miller was in a meeting with Daniels, pitching *The Hidden Hand* to Daniels.
27. Miller gave Daniels a copy of *The Hidden Hand* and a copy of the derivative work that Miller had created.
28. Daniels gave, copied, or otherwise shared *The Hidden Hand* and the derivative of *The Hidden Hand* with Danny Strong, Malcolm Spellman and various John/Jane Does.

29. Miller subsequently avoided taking Ms. Eggleston's calls and/or texts.
30. Daniels and Strong are credited with creating the television show *Empire*.
31. Daniels, Strong, and Spellman wrote the television show *Empire*.
32. Daniels and Strong directed the television show *Empire*.
33. Daniels, Strong, and Spellman produced or co-produced *Empire*.
34. Daniels and Strong directed *Empire*.
35. 20th Century Fox Film made the television show *Empire*.
36. 20th Century Fox Film has registered multiple copyrights for the show *Empire*:
PA0001944846, PA0001944845, PA0001946828, PA0001946829, PA0001946827,
PA0001948828, PA0001948859, PA0001952861, PA0001953678, PA0001941913,
PA0001958973 and PA0001958975, *inter alia*.
37. The corporate defendants broadcasted *Empire*.
38. Upon her first viewing of *Empire*, Ms. Eggleston was left with the substantial impression that the portrayal of Cookie Lyons was a derivative of *The Hidden Hand*, Ms. Eggleston's copyrighted work.
39. After the debut of *Empire*, Ms. Eggleston was contacted by friends, family, acquaintances, and business associates who, familiar with Ms. Eggleston's background, commented on the striking and shocking similarities between the portrayal of Ms. Eggleston in *The Hidden Hand* and the portrayal of Cookie Lyons in *Empire*.
40. There are striking and shocking similarities between *The Hidden Hand* and *Empire*, particularly relating to Ms. Eggleston's portrayal of herself and *Empire*'s portrayal of Cookie Lyons, including, but not limited to, the following:
 - a. Ms. Eggleston is a woman and Cookie Lyon is a woman.

- b. Ms. Eggleston is a light-skinned African-American and Cookie Lyon is a light-skinned African-American.
- c. Ms. Eggleston has straightened hair and Cookie Lyon has straightened hair.
- d. Ms. Eggleston had an expensive wardrobe and Cookie Lyon had an expensive wardrobe.
- e. Ms. Eggleston had an extensive jewelry collection and Cookie Lyon has an extensive jewelry collection.
- f. Ms. Eggleston wore furs and Cookie Lyon wore furs.
- g. Ms. Eggleston wore boas and Cookie Lyon wore boas.
- h. Ms. Eggleston led a gang and Cookie Lyon led a gang.
- i. Ms. Eggleston's gang sold drugs and Cookie Lyon's gang sold drugs.
- j. Ms. Eggleston owned firearms and Cookie Lyon owned firearms.
- k. Ms. Eggleston had a casual attitude about violence and Cookie Lyon has a casual attitude about violence.
- l. Ms. Eggleston went to prison for running a drug ring and Cookie Lyon went to prison for running a drug ring.
- m. After Ms. Eggleston's release from prison for drug offenses, she placed a "hit" on a man. After Cookie Lyon's release from prison for drug offenses, she placed a "hit" on a man.
- n. Ms. Eggleston has a gay brother. Cookie Lyon has a gay son.
- o. Ms. Eggleston was known for her vicious insults. Cookie Lyon is known for her vicious insults.

- p. Ms. Eggleston was known to slap or smack people. Cookie Lyon is known for slapping or smacking people.
 - q. Ms. Eggleston stepped in front of a person with a loaded gun, to protect another person. Cookie Lyon stepped in front of a person with a loaded gun, to protect another person.
 - r. Ms. Eggleston thwarted a kidnapping attempt on her daughter. Cookie Lyon's son, Hakeem, was kidnapped in *Empire*.
 - s. Ms. Eggleston was a prolific user of the derogatory slang word "bitch." Cookie Lyons is a prolific user of the derogatory slang word "bitch."
 - t. Ms. Eggleston was a prolific user of the derogatory slang word "hoe." Cookie Lyons is a prolific user of the derogatory slang word "hoe."
 - u. Ms. Eggleston's lover stopped seeing her right before she went to prison. Cookie Lyon's husband, Lucious, stopped seeing her right before she went to prison.
 - v. Once released from prison, Ms. Eggleston confronted her former lover and attacked and jumped on the back of her former lover's new lover. Once released from prison Cookie Lyon attacked and jumped on the back of her former lover's new lover.
 - w. Ms. Eggleston's two sisters were both murdered. Cookie Lyon's two cousins were both murdered.
41. Ms. Eggleston did not authorize any of the defendants to use her copyrighted work for commercial purposes.
42. After the release of *Empire*, Miller admitted to Ms. Eggleston that the portrayal of Ms. Eggleston in *The Hidden Hand* and the portrayal of Cookie Lyon in *Empire* were identical in speech patterns, idiosyncrasies, interpersonal relationships, disposition, and temperament.

43. After the release of *Empire*, Miller admitted to Ms. Eggleston that Miller recalled giving *The Hidden Hand*, and various derivative material, to Daniels.

44. After the release of *Empire*, Miller admitted to Ms. Eggleston that characters, scenes, personalities, and relationships portrayed on *Empire* were substantially similar to those portrayed in *The Hidden Hand*.

45. As of April 2020, 102 episodes of *Empire* aired.

46. It has been reported by The Hollywood Reporter in the article “*Empire* Spinoff Starring Taraji P. Henson in the Works at Fox” that the defendants have created a “spin-off” of *Empire*, that is based on the Cookie Lyon character. Taraji P. Henson is the actress who plays Cookie Lyons on *Empire*.

47. Collectively and/or individually, the defendants have earned (at least) tens of millions of dollars from their infringement of Ms. Eggleston’s copyrighted work, *The Hidden Hand*.

48. Collectively and/or individually, the defendants will earn multiple millions in the future due to sales of *Empire* DVDs or other reproductions of the *Empire* series. The *Empire* DVDs are still sold at retailers such as Walmart and Target.

COUNT 1: COPYRIGHT INFRINGEMENT

49. Ms. Eggleston incorporates all of the above paragraphs as though fully set forth herein.

50. Ms. Eggleston owns the copyright to *The Hidden Hand*.

51. Ms. Eggleston has registered her copyright to *The Hidden Hand*.

52. Defendants have violated Ms. Eggleston’s copyright by writing, producing, and broadcasting the television show *Empire*, in violation of 17 USC 101 *et. seq.*, including 17 USC 501 *et. seq.*

53. The sale and continued sale of *Empire* DVDs (and other reproductions) constitute an ongoing violation of Ms. Eggleston's copyright.

54. The *Empire* spinoff, which is based on Cookie Lyon, a character derived from Ms. Eggleston's *The Hidden Hand*, is another violation of Ms. Eggleston's copyright.

55. Each succeeding new episode (or rebroadcast of old episodes) of *Empire* constitutes a new and distinct violation of Ms. Eggleston's copyright.

56. Each reproduction (e.g. DVDs) of *Empire* constitutes a new and distinct violation of Ms. Eggleston's copyright.

57. Ms. Eggleston has been injured by these violations of her copyright and continues to be injured by these violations of her copyright.

58. The infringement of Ms. Eggleston's copyright occurs in the Eastern District of Michigan, as the television show *Empire* is (and was) broadcasted into this district, and the injury to Ms. Eggleston is most pronounced in Michigan.

59. The defendants' conduct, collectively and individually, in their creating, writing, producing, and broadcasting of *Empire*, has been willful and wanton, conscious, deliberate, and informed with respect to infringing Ms. Eggleston's work.

60. The defendants have made and will continue to make substantial monetary gains, which are unjust, and to which they are not entitled, either in law or in equity, by violating Ms. Eggleston's copyright.

61. The defendants intend to continue their infringing acts unless restrained by this Court.

62. Defendants' acts have damaged and will continue to damage Ms. Eggleston's copyright.

63. As a result of the defendants' unlawful actions, Ms. Eggleston has suffered and continues to suffer, economic damages.

RELIEF REQUESTED

Ms. Eggleston respectfully requests that this Court enter judgment against the defendants as follows:

- a. An order and judgment finding that the defendants have infringed Ms. Eggleston's copyright.
- b. An injunction requiring the defendants to give proper attribution to Ms. Eggleston for her copyrighted work.
- c. An order awarding monetary damages for:
 - i. The unjust enrichment of the defendants, including interest;
 - ii. The actual damage to compensate Ms. Eggleston, including interest;
 - iii. Enhanced statutory and other damages as provided by Title 17 of the US Code;
 - iv. Ms. Eggleston's costs and fees;
 - v. Any other relief that Ms. Eggleston is entitled to.

JURY DEMAND

Ms. Eggleston hereby demands a trial by jury.

/s/Henri O. Harmon
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